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SENATE

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REPORT
No. 110

RICHARD GREGORY RUNDLE AND VALIQUETTE ADELE RUNDLE

FEBRUARY 19 (legislative day, JANUARY 29), 1951.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 282]

The Committee on the Judiciary, to which was referred the bill (S. 282) for the relief of Richard Gregory Rundle and Valiquette Adele Rundle, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

AMENDMENTS

On line 7 change the name "Baliquette" to "Valiquette."

On line 8 change the name "Baliquette" to "Valiquette."

Amend the title of the bill to read: A bill for the relief of Richard Gregory Rundle and Valiquette Adele Rundle.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the minor adopted children of Mr. and Mrs. Walter G. Rundle to become citizens of the United States upon the petition of the adopting parents.

STATEMENT OF FACTS

The beneficiaries of the bill are two stateless minor children, one a native of Austria and the other a native of Germany, who have been adopted by Mr. and Mrs. Walter G. Rundle, who are native-born citizens of the United States. The children were lawfully admitted to the United States for permanent residence on July 20, 1950. Mr. Rundle has been in the employ of the United Press for 21 years

and is presently assigned in Europe. He desires that his wife and children join him in Europe but is fearful of having the children return to Europe other than as citizens of the United States.

A letter dated January 26, 1951, to the chairman of the Senate Committee on the Judiciary from the Deputy Attorney General with reference to the case reads as follows:

JANUARY 26, 1951.

Hon. PAT McCARRAN,
Chairman, Committee on the Judiciary,
United States Senate,
Washington, D. C.

MY DEAR SENATOR: This is in response to your request for the views of the Department of Justice relative to the bill (S. 282) for the relief of Richard Gregory Rundle and Valiquette Adele Rundle, aliens.

The bill would provide that subsections (b) and (c) of section 316 of the Nationality Act of 1940 (54 Stat. 1146; 8 U. S. C. 716), shall not be held to apply to Richard Gregory Rundle and Valiquette Adele Rundle, adopted children of Walter G. and Valiquette Rundle, United States citizens, and that they may be naturalized after the completion of 5 months of continuous residence in the United States upon compliance with the other provisions of section 316 of the act.

The files of the Immigration and Naturalization Service of this Department disclose that Richard Gregory Rundle and Valiquette Adele Rundle, who are stateless, were born respectively on December 28, 1937, in Allenstein, Germany and on March 8, 1946, in Innsbruck, Austria. They were last admitted to the United States for permanent residence at the port of New York on July 20, 1950; Richard, under section 6 (a) (3) of the Immigration Act of 1924 and Valiquette, under section 2 (f) of the Act of June 25, 1948, as amended.

The record indicates that Mr. and Mrs. Walter Rundle are native-born citizens of the United States. Mr. Rundle has been in the employ of the United Press for 21 years, and that prior to the adoption of the children Mrs. Rundle was a free-lance journalist and artist. Mrs. Rundle states that she and her husband had long desired to adopt children but were unable to do so because of the nature of their work. It appears that the adoptive parents have no knowledge regarding the background of their son except that he was an orphan residing in the Russian Sector of Berlin. Further statements of Mrs. Rundle were to the effect that Valiquette, whose name is erroneously spelled in the bill, was adopted with the consent of her mother and that the identity of her father is not known. Mrs. Rundle exhibited German language documents with attached translations which show that the son's adoption was completed on December 24, 1948, and that the daughter's adoption was completed on August 12, 1949.

The record indicates that the children were brought to the United States in the summer of 1950 because of the increased international tension, as a result of the Korean War, and because of a fear on the part of the adoptive parents that in the event of an emergency all United States citizens would be evacuated first. Mrs. Rundle further stated that she and the children desire to join Mr. Rundle in Germany but that she cannot risk taking the children back to that country until they are documented as United States citizens. The children are presently residing with Mrs. Rundle in Grand Island, Nebr., where the son attends school.

Section 316 of the Nationality Act of 1940 (54 Stat. 1146; 8 U. S. C. 716) provides for the naturalization of adopted children upon petition of the adoptive parent or parents, if among other things, the children have resided continuously in the United States for at least 2 years immediately preceding the date of filing such petition, if the adoptive parents are citizens of the United States and if the children were legally admitted to the United States for permanent residence, adopted in the United States before reaching the age of 16 years, and adopted and in legal custody of the adoptive parent or parents for at least 2 years prior to the filing of the petition for the children's naturalization. The aliens were lawfully admitted to the United States for permanent residence, but inasmuch as they were not adopted in the United States, have not resided here for 2 years and have not been in the legal custody of their adoptive parents for 2 years, they cannot be naturalized at this time. Therefore, the only manner in which their expeditious naturalization can be effected is through special legislation.

The occupation of Mr. Rundle necessitates his residence in foreign countries. Although Mr. and Mrs. Rundle feel that the family should reside together in order that the children might have a normal home life, they are understandably reluctant to have them return to Germany except as United States citizens.

The Department of Justice has no objection to the enactment of this bill. Whether it should be enacted is, of course, a matter of congressional determination.

Yours sincerely,

PEYTON FORD,
Deputy Attorney General.

Senator Kenneth S. Wherry, the author of the bill, has submitted the following letter dated January 16, 1951, to the chairman of the Senate Committee on the Judiciary, in connection with the case:

UNITED STATES SENATE,
January 16, 1951.

Hon. PAT McCARRAN,
*Chairman, Senate Judiciary Committee,
Senate Office Building, Washington, D. C.*

DEAR SENATOR: There has been assigned your committee, my bill, S. 282, for the relief of Richard Gregory and Valiquette Adele, adopted minor children of Mr. and Mrs. Walter G. Rundle.

Mr. Rundle is a United Press war correspondent presently assigned in Europe. Mrs. Rundle is at the home of her parents in Grand Island, Nebr. She does not consider it advisable to return to Europe until the children have become naturalized American citizens.

I will sincerely appreciate the courtesy of the committee in expeditiously and promptly assigning my bill for consideration on an early committee agenda.

Cordially yours,

KENNETH S. WHERRY.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 282), as amended, should be enacted.

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The President of the United States has the honor to acknowledge the receipt of the bill of the House of Representatives, passed on the 10th of March, 1888, and to inform you that it has been forwarded to the Senate for their consideration.

Very respectfully,
J. M. McKim, Secretary of the Senate.

Washington, D. C., March 12, 1888.

I have the honor to acknowledge the receipt of the bill of the House of Representatives, passed on the 10th of March, 1888, and to inform you that it has been forwarded to the Senate for their consideration.

The bill of the House of Representatives, passed on the 10th of March, 1888, and forwarded to the Senate for their consideration, is the bill for the relief of the Secretary of the Senate.